

**REMARKS**

This Amendment is directed to the final Office Action mailed August 18, 2008 setting a three month shortened statutory period for response expiring on November 18, 2008. Claims 19-34 are now pending. Reconsideration and withdrawal of the rejections set forth in the Office Action is respectfully requested in view of the amendment to claim 19 above and the following remarks.

A telephonic interview with Examiner Haider and his supervisor Ryan Zeender was held on September 9, 2008. The undersigned attorney greatly appreciates the time expended by the Examiners in again discussing Mahoney (US Patent No. 5,502,806). Agreement tentatively was reached with respect to the substance of language to be added in claim 19 to distinguish over this primary reference cited in the Office Action. Claims 19 has been so amended.

Claim 19 now recites "filling the attraction to its predetermined attraction capacity with patrons not having the allocated return time on a first-in first-out basis unless a patron having the allocated return time is present and preferentially loaded during the return time and without reserving space for a patron having the allocated return time who is not present during the allocated return time." Mahoney does NOT operate its attraction at capacity since during the reserved time spaces are not made available to non-card holding guests until the reserved time expires. Column 4, lines 40-44.

The Mahoney queue method is non-optimal in many practical attraction queue scenarios because non-card holding guests must wait until the end of the reserved time period even when a space on the attraction is open. Moreover, once the reserved time expires the ride operator must rush the non-card holder(s) to the open seat(s) at the very last minute, delaying the start of the ride.

The invention of claim 19 overcomes these deficiencies by making the capacity available to the FIFO queue (akin to a non-card holder in Mahoney) without regard to the return time window. The guest holding a return time will be loaded preferentially, but only after that guest arrives at the attraction. There is no reserving space for a patron that has a return time but is not present during the allotted return time. In this manner, the FIFO guest is not delayed

unnecessarily, every seat can be used as soon as it is available, rushed loading is avoided, and the attraction can be started without unnecessary delay.

Decker does not supply the deficiencies of Mahoney set out above and as set out in previous responses. At least for the foregoing reasons, Applicants submit that independent Claim 19, as now amended, is not rendered obvious by Mahoney in view of Decker either together or in combination with any of the other cited references.

Support for the amended language in claim 19 is found throughout the specification and, in particular, in paragraphs [0037], [0060], [0061], [0083] and [0232]. For example, paragraphs [0060] and [0061] state:

[0060] The system includes a first queue 24 by which customers, gain access to the attraction 22 by waiting in a line, much as has been done in the prior art. In other words, the customers in the first queue 24 have an order in line based on a time at which they enter the queue, and are able to utilize the attraction in that order when a space or capability is available.....


[0061] The customers in the first queue 24 are permitted to access the attraction when there is an open spot not filled by the customers accessing the attraction via the second queue 26. As described in more detail below, the number of customers permitted to access the attraction via the second queue 26 may be adjusted to provide a certain number of open spots for customers in the first queue 24. For example, 80% of the available spots for the attraction may be dedicated to and filled by customers from the second queue 26, while the remaining 20% are filled by customers from the first queue 24. In addition, if one or more of the spots dedicated to the customers of the second queue 26 are not filled, such as if one or more customers who obtain passes for accessing the second queue 26 do not return to access the attraction, then these spots may be filled by customers in the first queue 24. As described in more detail below, this, arrangement permits the attraction to operate at all times at optimum capacity.

It is respectfully submitted that at least the specification portions set forth above fully support the language of amended claim 19. Claims 20-34 depend from amended claim 19. Therefore, Applicants submit that dependent Claims 20-34 are not rendered obvious by the cited references either. Therefore, Applicants respectfully request that the rejections to Claims 19-34 now be withdrawn and claims 19-34 allowed.

*Conclusion*

Applicants submit that this amendment is responsive to all points in the Office action, is in accordance with agreement reached in the Examiner Interview, and that the present application is now in condition for allowance. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned attorney at (303) 685-7460. Because claim 19 has been amended, an RCE is believed to be in order and accompanies this amendment. The Director is authorized to charge the required fee as well as any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number **50-2638**. Please ensure that Attorney Docket Number 58085-010203 is referred to when charging any payments or credits for this case.

Respectfully submitted,

  
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